

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DONALD DACE, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:07CV239 RWS
)	
JOSEPH BARTHOLOMEW, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before me on defendant's motions filed on the verge of mediation and the trial date. Defendant has renewed his motion to deem matters admitted, despite having received plaintiffs' amended responses to the motion for admissions. Plaintiffs claim that they amended their answers in exchange for defendant's agreement to amend interrogatory responses, but that defendant has not yet done so. Plaintiffs' attorney also accuses defendant's attorney of misrepresenting facts to this Court.

Defendant's motion to deem matters admitted will be denied as moot as plaintiffs have provided their amended responses in accordance with the parties' agreement. I expect the parties to do what they agree to do, so if defendant agreed to provide certain discovery responses to plaintiffs, then I expect him to do it. I also expect the lawyers to adhere to their ethical obligations to this Court and to

each other, and to demean themselves at all times with civility.

Defendant's motion for conference will be denied. I may set a pre-trial conference closer to the trial date if necessary. Finally, defendant should file any objection to plaintiffs' motion to amend the complaint by September 5, 2008, or it will be granted.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion for conference [#85] and motion for leave to file renewed motion to deem matters admitted [#87] are denied.

IT IS FURTHER ORDERED that defendant shall file any objection to plaintiffs' motion to amend complaint by September 5, 2008, or it will be granted.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of September, 2008.